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Date: January 30, 2009

Signature:  (Quyen B. Nguyen)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/798,739  
Confirmation No.: 6427  
Filing Date: March 10, 2004  
Inventor(s): George D. HERMANN et al.  
Title: METHOD AND DEVICE FOR USE IN MINIMALLY INVASIVE  
APPROXIMATION OF MUSCLE AND OTHER TISSUE  
Examiner: Melissa K. Ryckman  
Group Art Unit: 3773

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**RESPONSE TO NON-FINAL OFFICE ACTION**

Mail Stop Amendment  
Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the non-final Office Action dated August 1, 2008 for which a response was due on November 1, 2008. Filed herewith is a Petition and fee for a three-month extension of time, thereby extending the deadline for response to February 1, 2009. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the Remarks presented herein are respectfully requested.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.